

FINANCE — C.S.S.B. 29, C.S.S.B. 1201, C.S.S.B. 819

ECONOMIC DEVELOPMENT — C.S.S.B. 1139, C.S.S.B. 1051, C.S.S.B. 835, S.B. 26, H.B. 1076, H.B. 840, H.B. 154, S.B. 1373, C.S.S.B. 1225, S.B. 1070, S.B. 1326

FINANCE — S.B. 1199, C.S.S.B. 752, C.S.S.B. 751, C.S.S.B. 878, C.S.S.B. 1254, C.S.H.B. 819

NATURAL RESOURCES — H.B. 1320, S.B. 521, S.B. 399, S.B. 1132

FORTY-NINTH DAY

(Monday, April 19, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris of Dallas, Henderson.

A quorum was announced present.

Ibrahim Al-Hayek, Islamic Center of Greater Austin, offered the invocation as follows:

O God, we come before You today to humbly ask Your blessing upon this Senate. We ask You to guide them to the truth, to help them to act justly, and to guide them to decisions that will bring peace and security.

O God, help them to remember Your blessings and to be grateful for Your mercies.

We ask You to help them to establish justice for us, our children, and our children's children. It is You and You alone who can grant us help and success, and it is to You and You alone that we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 15, 1993, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Harris of Dallas was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator Henderson was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 738

On motion of Senator Rosson and by unanimous consent, Senator Shapiro will be shown as Co-author of S.B. 738.

CO-AUTHOR OF SENATE BILL 1127

On motion of Senator Zaffirini and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 1127.

CO-AUTHOR OF SENATE BILL 1129

On motion of Senator Zaffirini and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 1129.

CO-AUTHOR OF SENATE BILL 1320

On motion of Senator Luna and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 1320.

CO-AUTHOR OF SENATE BILL 1377

On motion of Senator Ratliff and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 1377.

CO-SPONSOR OF HOUSE BILL 781

On motion of Senator Ellis and by unanimous consent, Senator Sibley will be shown as Co-sponsor of H.B. 781.

CAPITOL PHYSICIAN

Senator Brown was recognized and presented Dr. Alan Blum of Houston as the "Doctor for the Day."

The Senate welcomed Dr. Blum and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

House Chamber
April 19, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 5, General Appropriations Bill. (As substituted and amended)

S.B. 469, Relating to the composition and staffing of the Texas Groundwater Protection Committee. (As amended)

S.B. 249, Relating to sewer connections in municipalities.

S.B. 196, Relating to the residency and certain duties of public weighers. (As amended)

S.B. 779, Relating to liability of a licensed installer of certain liquefied petroleum gas systems. (As amended)

S.B. 610, Relating to the composition of a county bail bond board. (As amended)

S.B. 680, Relating to allowing a limited partnership to operate as a common carrier for the transportation by pipeline of certain materials.

S.B. 591, Relating to prohibiting certain employment of former board of trustees members of public junior colleges.

S.B. 593, Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

S.B. 374, Relating to the Division of Communicative Disorders at The University of Texas Graduate School of Biomedical Sciences at Houston.

H.C.R. 117, Honoring and memorializing the vital role played by the black heroes of the Texas Revolution.

H.C.R. 75, Designating the Texas Red Grapefruit as the official fruit of Texas.

H.C.R. 58, Recognizing October 11-15, 1993, and September 26-30, 1994, as Community Banking Week in Texas.

H.B. 61, Relating to the application of the professional prosecutors law to the district attorney of the 35th Judicial District.

H.B. 284, Relating to the requirement that a person appointed to the board of fire commissioners of certain rural fire prevention districts be a resident of the district.

H.B. 285, Relating to the requirement that the assistant treasurer of a rural fire prevention district execute and file a bond.

H.B. 476, Relating to the registration of trailers and semitrailers.

H.B. 535, Relating to an exemption from the nepotism law for personal attendants of certain officers.

H.B. 565, Relating to exceptions to the requirement that elections be held on uniform election dates.

H.B. 647, Relating to the sale of real property by municipalities.

H.B. 690, Relating to collection by a water or sewer service corporation of voluntary contributions on behalf of certain emergency services.

H.B. 691, Relating to the refund of tuition and fees for courses dropped by students at public institutions of higher education.

H.B. 747, Relating to the exclusion from coverage under the Texas Unemployment Compensation Act of services performed by certain securities representatives.

H.B. 786, Relating to the application of the professional prosecutors law to the district attorney for the 23rd Judicial District.

H.B. 795, Relating to the contracting authority and procedures of certain hospital districts.

H.B. 925, Relating to the appraised value of oil and gas property for ad valorem tax purposes.

H.B. 965, Relating to magistrates appointed by the judges of the district courts in Webb County.

H.B. 1091, Relating to enabling certain lessees of land owned by municipalities to purchase the leased land for the appraised market value of the land.

H.B. 1095, Relating to requests for an opinion of the attorney general.

H.B. 1096, Relating to exempting from ad valorem taxation property owned by certain charitable organizations.

H.B. 1143, Relating to an action for recovery of real property conveyed by an instrument with certain technical defects.

H.B. 1144, Relating to title insurance company affidavits as releases of certain liens; providing a civil penalty.

H.B. 1153, Relating to the location of certain utility rate hearings.

H.B. 1208, Relating to the juvenile boards of Cochran and Hockley counties.

H.B. 1210, Relating to compensation of the board of directors of the Coryell City Water Supply District.

H.B. 1232, Relating to the use of hotel occupancy tax revenue collected by certain municipalities for the arts.

H.B. 1403, Relating to the salary of the bailiff of the 341st District Court.

H.B. 1450, Relating to validation of governmental acts and proceedings by municipalities.

H.B. 1453, Relating to ad valorem tax abatement in a reinvestment zone.

H.B. 1463, Relating to the description and use of the state flag, the governor's flag, and the state seal and to the adoption and rendition of the state song.

H.B. 1491, Relating to the creation, administration, powers, duties, operation, and financing of the Llano Uplift Underground Water Conservation District.

H.B. 1632, Relating to the authority of the mayors of certain cities to call certain elections.

H.B. 1853, Relating to fees of office of directors of Underground Water Conservation Districts.

H.B. 1854, Relating to the sworn statement, bond, and oath of a director of Underground Water Conservation Districts.

H.B. 1975, Relating to tax exemption for oil and gas wells returned to productive status after three years of inactivity.

H.B. 2050, Relating to the administration and collection of municipal hotel occupancy taxes.

H.B. 2087, Relating to the authority of a county to donate surplus or salvage property to a civic or charitable organization.

H.B. 2116, Relating to the regulation of the hours of operation and noise levels produced by a motor vehicle salvage yard in certain counties; providing a penalty.

H.B. 2176, Relating to the Brush Country Underground Water Conservation District.

H.B. 2209, Relating to the Harris-Galveston Coastal Subsidence District.

H.B. 2270, Relating to filing with State Treasurer of claims for delivered property.

H.B. 2458, Relating to the authority of the Department of Protective and Regulatory Services or another state agency to obtain certain records or documents.

H.B. 2515, Relating to the conveyance of a one (1) acre tract of land in Panola County, Texas, formerly used as a lookout tower site by the Texas Forest Service.

H.B. 2524, Relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Stephen F. Austin.

H.B. 2815, Relating to the creation, administration, powers, duties, operation, and financing of the Chateau Woods Municipal Utility District.

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 830**. The House conferees are: Representatives Marchant, Chair; Goodman, Danburg, Combs, and Brady.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

H.C.R. 42	H.B. 783
H.B. 323	H.B. 1218
H.B. 640	H.B. 1300

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1378	S.B. 1382
S.B. 1379	S.B. 1383
S.B. 1380	S.B. 1384
S.B. 1381	S.B. 1385

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1378 by Bivins Finance
Relating to the direct transfer of certain federal funds.

S.B. 1379 by Haley Intergovernmental Relations
Relating to the Montgomery County Hospital District.

S.B. 1380 by Patterson Intergovernmental Relations
Relating to performance of the duties of a county budget officer.

S.B. 1381 by Luna Education
Relating to the transfer of regulation of proprietary schools from the Central Education Agency to the Texas Higher Education Coordinating Board.

S.B. 1382 by Henderson, Shelley Intergovernmental Relations
Relating to changing the date of a political subdivision's general election for officers.

S.B. 1383 by Bivins Education
Relating to publication of certain reports on the academic performance of students at institutions of higher education.

S.B. 1384 by Brown Natural Resources
Relating to the powers of the Gulf Coast Waste Disposal Authority.

S.B. 1385 by Harris of Dallas, Harris of Tarrant Jurisprudence
Relating to the creation of municipal courts of record in Euless.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 19, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE MOTOR VEHICLE BOARD OF THE TEXAS
DEPARTMENT OF TRANSPORTATION for terms to expire January 31,
1999:

STEPHEN PAUL WEBB
1514 West 30th Street
Austin, Texas 78703

Mr. Webb is being reappointed.

LAURIE BROWN WATSON
3400 Timberwood Circle
Austin, Texas 78703

Ms. Watson is being reappointed.

TO BE MEMBERS OF THE GUADALUPE-BLANCO RIVER
AUTHORITY BOARD OF DIRECTORS for terms to expire February 1,
1999:

WANDA ROBERTS
P. O. Drawer 45
Port Lavaca, Texas 77979

Ms. Roberts will be replacing Preston Stoffe of Long Mott, whose term
expired.

OLGA LARA
1328 Hoffman Lane
New Braunfels, Texas 78130

Ms. Lara will be replacing Herbert R. Schneider of New Braunfels, whose
term expired.

MARSHALL RAY HOLYBEE
P. O. Box 166
Bayside, Texas 78340

Mr. Holybee will be replacing Harry A. Fish of Boerne, whose term
expired.

TO BE A MEMBER OF THE TEXAS-MEXICO AUTHORITY ADVISORY
BOARD for a term to expire February 1, 1999:

WILLIAM R. LEO
P. O. Box 1290
La Joya, Texas 78560

Mr. Leo will be replacing Paul M. York of Corpus Christi, whose term
expired.

TO BE JUDGE OF THE 102ND JUDICIAL DISTRICT COURT, BOWIE
AND RED RIVER COUNTIES, until the next general election and until his
successor shall be duly elected and qualified:

JOHN F. MILLER, JR.
906 Clearcreek
Texarkana, Texas 75503

Mr. Miller will be replacing Judge Leon F. Pesek of Texarkana, who
resigned.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

SENATE RESOLUTION 619

Senator Turner offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to extend
congratulations to the Crockett High School Small School Champion

Academic Decathlon Team for its magnificent showing in the state championship meet in San Antonio on February 27 and 28, 1993; and

WHEREAS, The team from Crockett High School competed against 19 other schools in the state finals of the small schools division; and

WHEREAS, The nine members of this outstanding high school team competed in 10 events which included mathematics, science, fine arts, language and literature, social studies, essay, speech, interview, economics, and the super quiz; and

WHEREAS, After working hard for several months, the Crockett High School team met its goal by winning first place in the state competition; and

WHEREAS, The winning team is composed of Ashley Beasley, Trisha Knox, Jon Ridge, Francisco Gomez, Ashley Musick, Daniel Murchison, Metcheal Abb, Kerry Kuehl, and John Turner; the academic coaches are Nelda Carter and Ronald McConnell and the members of the support team are Meg Griffith, Marcus Harkins, Melody Moten, Brent Jackson, Melissa Winfield, Alana Whitton, and Lorrie Mays; and

WHEREAS, In the individual competition John Turner was the overall top scorer in the State meet winning first place in the Honors Division, Daniel Murchison was the first place winner in the Scholastic Division, and Francisco Gomez was the second place winner in the Scholastic Division; and

WHEREAS, The accomplishments of our state's young people are a source of pride for all Texans and the winning team from Crockett High School is truly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby commend and applaud the Crockett High School Small School Champion Academic Decathlon Team and extend best wishes for great success in the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this exceptional high school team as an expression of the admiration and high regard of the Texas Senate.

The resolution was previously read and adopted on Thursday, April 15, 1993.

On motion of Senator Moncrief and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

(Senator Truan in Chair)

FLOOR PRIVILEGES GRANTED

On motion of Senator Ellis and by unanimous consent, floor privileges were granted to a member of his staff, Mark Scrama, during deliberation of C.S.S.B. 427.

COMMITTEE SUBSTITUTE

SENATE BILL 427 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 427, Relating to the duty of nonprofit, tax-exempt hospitals to provide charity care.

The bill was read second time.

(President in Chair)

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend proposed C.S.S.B. 427 in Section 1 of the bill as follows:

(1) In Section 311.031(2)(A) of the Health and Safety Code, before "or", by inserting "and".

(2) In Section 311.031(11), between "income" and "in accordance", by inserting "determined".

(3) In Section 311.031(13), between "hospital" and "revenue", by inserting "or nonprofit supporting entity".

(4) In Section 311.031(14) by making the following changes:

Insert "Prior to January 1, 1996" before "For purposes of this definition, charitable contributions."

Strike "affiliates" and substitute with "nonprofit supporting entities."

Strike the last sentence and substitute the following: After January 1, 1996, for purposes of this definition, charitable contributions and grants to the hospital, including transfers from endowment or other funds controlled by the hospital or its nonprofit supporting entities, shall not be subtracted from the costs of providing services for purposes of determining the unreimbursed costs of charity care and government-sponsored indigent health care.

(5) In Section 311.031 by striking Subsection (15).

Amend proposed C.S.S.B. 427 in Section 2 of the bill as follows:

(1) In Section 311.033(a)(12)(E) by striking the (7) and substituting (13).

(2) In Section 311.033(a)(15)(C), between "care" and the semicolon, by inserting "in response to community needs".

(3) In Section 311.033(a)(15)(D), by inserting "in response to community needs" after "activities."

Amend proposed C.S.S.B. 427 in Section 4 of the bill as follows:

(1) In Subchapter D heading strike "TAX-EXEMPT."

(2) In Section 311.042(9) by inserting "or" after "financing" in subdivision (A)(i); by striking "other legal entity" in subdivision (A)(iii) and substituting "a charitable trust"; and by inserting "and" after "research" in subdivision (B)(ii).

(3) In Section 311.042(11) by striking the (11) after "Section 311.031" and substituting (12).

(4) In Section 311.042(12) by striking "and practices" and, between "for tax purposes" and the colon, inserting the following language: "using the applicable statutes, rules, and regulations regarding the calculation of these taxes."

(5) In Section 311.042(14), by striking “or (15)”.

(6) In Section 311.043(a), between “tax exemption” and the period, by inserting “in order to maintain such exemption”, and between “defined in” and “Section”, by inserting “Section 311.031 and”

(7) In Section 311.043(c), by striking “requirements” and substituting “covenants”.

(8) In Section 311.044(a)(2), between “defined by” and “Section”, by inserting “Section 311.031 and”.

(9) In Section 311.045(a) by striking “90th” and substituting “120th”, and, between “satisfied” and “For”, by inserting the following language: “provided, however, that the first report shall be filed no later than the 120th day after the end of the hospital’s fiscal year ending during 1994.”

(10) In Section 311.045(c) by striking “who” and substituting “which”, and by adding “(A)” to “Subsection (b)(1)” at the end of the subsection.

(11) In Section 311.046(b) by striking “no later than March 30, 1995” and adding “no later than 120 days after the end of the hospital’s fiscal year ending during 1994.”

Amend proposed C.S.S.B. 427 in Section 5 of the bill, in Section 11.18(d) of the Tax Code, by striking “who” and substituting “which” on page 23, line 6 of the bill.

Amend proposed C.S.S.B. 427 in Section 6 of the bill as follows:

(1) In Section 151.310(e)(4) and (e)(5) of the Tax Code, by striking “years” and substituting “periods ending”.

(2) In Section 151.310(e), by striking “who” and substituting “which” on page 27, line 7 of the bill.

Amend proposed C.S.S.B. 427 in Section 7 of the bill as follows:

(1) In Section 171.063(a)(1)(D) and (a)(1)(E) of the Tax Code, by striking “years” and substituting “periods ending”.

(2) In Section 171.063(a), by striking “who” and substituting “which” on page 30, line 15 of the bill.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend proposed C.S.S.B. 427 in Section 3 of the bill, in Section 311.037(a) of the Health and Safety Code as follows:

(1) Strike “after September 1, 1993”.

(2) Strike the strike marks for “(1)” and for “(2) financial data regarding a provider or facility”.

(3) Add the following language after “facility”:
submitted to the department before September 1, 1987. All financial data regarding a provider or facility submitted after September 1, 1987 shall no longer be confidential.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 3

Amend proposed C.S.S.B. 427 in Section 5 of the bill as follows:

(1) In Sections 11.18(d)(1) of the Tax Code, strike "or" and add "or E" after "E".

(2) In Sections 11.18(d)(1)(A), (d)(1)(B), and (d)(1)(C), between "charity care" and "is provided", by inserting "and government-sponsored indigent health care", and by striking "is" and substituting "are".

(3) In Section 11.18(d)(1)(D) by renumbering (D) as (E) and adding the following new language as (D):

(D) a non-profit hospital that has been designated as a disproportionate share hospital under the state Medicaid program in either of the previous two fiscal years shall be considered to have provided a reasonable amount of charity care and government-sponsored indigent health care and shall be deemed in compliance with the standards in this subsection;

(4) In Section 11.18(d)(1)(E) by renumbering (E) as (F).

(5) In Section 11.18(d) by inserting "government sponsored indigent health care" in the following places in the bill:

On page 22, line 21, between "charity care" and "net patient revenue"

(6) In Section 11.18(d) by inserting "and government sponsored indigent health care" in the following places in the bill:

On page 22, line 25, between "charity care" and "provided"

On page 23 line 4, between "charity care" and "in accordance"

On page 23 line 7, between "charity care" and "based on"

On page 23, line 15, between "charity care" and the period.

(7) In Section 11.18(d) on page 23, line 13 of the bill, by striking "D and" and, between "E" and "or", inserting "and F"

(8) In Section 11.18(d) on page 23, line 18 of the bill, by striking "or" and, between "charity care" and "are", inserting "and government-sponsored indigent health care"

Amend proposed C.S.S.B. 427 in Section 6 of the bill as follows:

(1) In Section 151.310(e) of the Tax Code, by striking "or" and, between (5) and "below", inserting "or (6)".

(2) In Sections 151.310(e)(1), (e)(2), and (e)(3), between "charity care" and "is provided", by inserting "and government-sponsored indigent health care", and by striking "is" and substituting "are".

(3) In Section 151.310(e)(4) by renumbering (4) as (5) and inserting the following new language as (4):

(4) a non-profit hospital that has been designated as a disproportionate share hospital under the state Medicaid program in either of the previous two fiscal years shall be considered to have provided a reasonable amount of charity care and government-sponsored indigent health care and shall be deemed in compliance with the standards in this subsection;

(4) In Section 151.310(e)(5) by renumbering (5) as (6).

(5) In Section 151.310(e) by inserting "government sponsored indigent health care" in the following places in the bill:

On page 26, line 22, between "charity care" and "net patient revenue"

(6) In Section 151.310(e) by inserting "and government sponsored indigent health care" in the following places in the bill:

On page 27, line 1, between "charity care" and "provided"

On page 27, line 5, between "charity care" and "in accordance"

On page 27, line 8, between "charity care" and "based on"

On page 27, line 15, between "charity care" and the period.

(7) In Section 151.310(e) on page 27, line 14 of the bill, by striking "4. and" and, between "(5)" and "shall", inserting "and 6".

(8) In Section 151.310(e) on page 27, line 18 of the bill, by striking "or" and, between "charity care" and "are necessary", inserting "and government-sponsored indigent health care".

Amend proposed C.S.S.B. 427 in Section 7 of the bill as follows:

(1) In Section 171.063(a)(1) of the Tax Code, by striking "or" and, between "E" and the colon, inserting "or F".

(2) In Sections 171.063(a)(1)(A), (a)(1)(B), and (a)(1)(C), between "charity care" and "is provided", by inserting "and government-sponsored indigent health care", and by striking "is" and substituting "are".

(3) In Section 171.063(a)(1)(D) by renumbering (D) as (E) and inserting the following new language as (D):

(D) a non-profit hospital that has been designated as a disproportionate share hospital under the state Medicaid program in either of the previous two fiscal years shall be considered to have provided a reasonable amount of charity care and government-sponsored indigent health care and shall be deemed in compliance with the standards in this subsection:

(4) In Section 171.063(a)(1)(E) by renumbering (E) as (F).

(5) In Section 171.063(a) by inserting "government sponsored indigent health care" in the following places in the bill:

On page 30, line 5, between "charity care" and "net patient revenue"

(6) In Section 171.063(a) by inserting "and government sponsored indigent health care" in the following places in the bill:

On page 30, line 9, between "charity care" and "provided"

On page 30, line 13, between "charity care" and "in accordance"

On page 30, line 16, between "charity care" and "based on"

On page 30, line 24, between "charity care" and the period.

(7) In Section 171.063(a) on page 30, line 22 of the bill, by striking "D. and" and, between "E" and "of", inserting "and F".

(8) In Section 171.063(a) on page 31, line 2 of the bill, by striking "or" and, between "charity care" and "are necessary", inserting "and government-sponsored indigent health care".

Amend proposed C.S.S.B. 427 in Section 4 of the bill as follows:

(1) In Section 311.043(a) of the Health and Safety Code, between "charity care" and "and may", by inserting "and government-sponsored indigent health care".

(2) In Section 311.043(b), between "charity care" and "in", and between "charity care" and "provided", by inserting "and government-sponsored indigent health care".

(3) In Section 311.044(a)(2), between "charity care" and "as both", and between "charity care" and "are defined", by inserting "and government-sponsored indigent health care".

(4) In Section 311.045(a) on page 15, line 6 of the bill, between "charity care" and the period, by inserting "and government-sponsored indigent health care".

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 4

Amend Section 4 of C.S.S.B. 427 in Section 311.042(9)(B) by adding a new Subdivision (iv) to read as follows:

(iv) a hospital that is located in a county with a population under 50,000 where the entire county or the population of the entire county has been designated as a Health Professionals Shortage Area.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 427 ON THIRD READING**

Senator Ellis moved that the Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 427 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 346 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 346, Relating to changing the name of the Texas College of Osteopathic Medicine to the University of North Texas Health Science Center at Fort Worth.

The bill was read second time.

Senator Moncrief offered the following committee amendment to the bill:

Amend S.B. 346 as follows:

On page 2, line 4, following the word "certificates", add ". but may not include an M.D. degree."

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 346 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 66
ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 66, Encouraging institutions and systems of higher education to continue and to expand efforts to utilize telecommunications technologies to deliver courses and programs to Texans who need them.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 877 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 877, Relating to the requirement that the attorney general provide certain legal services.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 877 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 34 ON SECOND READING**

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 34, Proposing a constitutional amendment relating to bonds issued to augment the Veterans' Land Fund and the Veterans' Housing Assistance Fund, to fund the Veterans' Housing Assistance Fund II, and to provide financial assistance to veterans of the state.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 34 ON THIRD READING**

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 685 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 685, Relating to the annexation of certain territory by certain junior college districts.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 685**, SECTION 1, page 1, line 13, by replacing the word less with the word more.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 685 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 685** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

(Senator Barrientos in Chair)

SENATE BILL 782 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 782, Relating to the regulation of polygraph examiners.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Amend **S.B. 782** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 19, Polygraph Examiners Act (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. REFUSAL, PROBATION, REPRIMAND, SUSPENSION, REVOCATION—GROUNDS. The board shall refuse to issue a license, shall revoke or suspend a license, shall reprimand a licensee, or may probate a license suspension on any one or more of the following grounds:

(1) for failing to inform a subject to be examined as to the nature of the examination;

(2) for failing to inform a subject to be examined that his participation in the examination is voluntary;

(3) for knowingly administering an involuntary polygraph examination;

(4) material misstatement in the application for original license or in the application for any renewal license under this Act;

(5) ~~(4)~~ wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto, including, but not limited to, wilfully making a false report concerning an examination for polygraph examination purposes;

(6) ~~(5)~~ if the holder of any license has been adjudged guilty of the commission of a felony or a misdemeanor involving moral turpitude;

(7) ~~(6)~~ making any wilful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees;

(8) ~~(7)~~ having demonstrated unworthiness or incompetency to act as a polygraph examiner as defined by this Act;

(9) ~~(8)~~ allowing one's license under this Act to be used by any unlicensed person in violation of the provisions of this Act;

(10) ~~(9)~~ wilfully aiding or abetting another in the violation of this Act or any regulation or rule issued pursuant thereto;

(11) ~~(10)~~ where the license holder has been adjudged as a habitual drunkard or mentally incompetent as provided in the Probate Code;

(12)(11) failing, within a reasonable time, to provide information requested by the secretary as the result of a formal complaint to the board which would indicate a violation of this Act;

(13)(12) failing to inform the subject of the results of the examination if so requested;

(14)(13) violating Subsection (a) of Section 19A of this Act relating to the confidentiality of information acquired from an examination; or

(15)(14) violating Section 51.151, Family Code, relating to the examination of a child taken into custody.

SECTION 2. This Act takes effect September 1, 1993, and applies only to a polygraph examination conducted on or after that date. A polygraph examination conducted before the effective date is governed by the law in effect on the date the examination was conducted, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 782 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 782 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber

April 19, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H.B. 771 by a non-record vote.

The House has adopted the Conference Committee Report on S.B. 266 by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 840 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 840, Relating to the compilation and use by law enforcement agencies of gang information systems.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Amend **S.B. 840** as follows:

On page 2, line 5, add "or punishment" after the word "prosecution".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 840 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 840** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

GUEST PRESENTED

The Presiding Officer, Senator Barrientos in Chair, introduced to the Senate the Speaker of the House of Representatives of New Mexico, Raymond Sanchez.

The Senate welcomed Speaker Sanchez, who briefly addressed the Senate.

(President in Chair)

SENATE BILL 947 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 947, Relating to continuing legal education, technical assistance and other support programs for prosecuting attorneys and their personnel and for criminal defense attorneys who regularly represent indigent defendants.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 947 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 56.001(a), Government Code, is amended to read as follows:

(a) The judicial and court personnel training fund is created in the state treasury and shall be administered by the supreme court and the court of criminal appeals.

SECTION 2. Section 56.001(i), Government Code, is amended to read as follows:

(i) On requisition of the supreme court or the court of criminal appeals, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.

SECTION 3. Section 56.003(a), Government Code, is amended to read as follows:

(a) The supreme court or the court of criminal appeals may not use more than three percent of the money appropriated in any one fiscal year to hire staff and provide for the proper administration of this chapter.

SECTION 4. Section 56.003, Government Code, is amended by adding subsection (f) to read as follows:

(f) The court of criminal appeals shall grant legal funds to statewide professional associations of prosecuting attorneys, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace whose purposes include providing continuing legal education, technical assistance and other support programs.

SECTION 5. Section 56.004, Government Code, is amended to read as follows:

(a) The legislature shall appropriate funds from the judicial and court personnel training fund to the supreme court to provide for the continuing legal education of certain judges and personnel in this state.

(b) The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for continuing legal education, technical assistance and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace and their court personnel.

SECTION 6. Section 56.005, Government Code, is amended by adding new subsections (f), (g), and (h) to read as follows:

(f) An entity receiving a grant of funds from the court of criminal appeals under this chapter for continuing legal education, technical assistance and other support programs for prosecuting attorneys and their personnel shall designate a committee to recommend educational requirements and course content, technical assistance programs and support services, and standards for the purposes of the grant awarded.

(g) An entity receiving a grant of funds from the court of criminal appeals under this chapter for continuing legal education, technical

assistance and other support programs for criminal defense attorneys who regularly represent indigent defendants shall designate a committee to recommend educational requirements and course content, technical assistance programs and support services, and standards for the purposes of the grant awarded.

(h) An entity receiving a grant of funds from the court of criminal appeals under this chapter for continuing legal education, technical assistance and other support programs for justices of the peace and their court personnel shall designate a committee to recommend educational requirements and course content, technical assistance programs and support services, and standards for the purposes of the grant awarded.

SECTION 7. Section 74.024, Government Code, ("The Court Administration Act," Acts, 1987, 70th Legislature, Reg. Session, Ch. 148, Sec. 2.93) is amended by adding Subsection (e) as follows:

(e) The court of criminal appeals may adopt rules for programs relating to education and training for certain attorneys and justices of the peace as provided by Sec. 56.003 of this code.

SECTION 8. Section 74.025, Government Code, ("The Court Administration Act," Acts, 1987, 70th Legislature, Reg. Session, Ch. 148, Sec. 2.93) is amended to read as follows:

(a) The supreme court shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available on an equitable basis for certain judges and court personnel of certain [aH] courts created under the constitution and laws of this state.

(b) The court of criminal appeals shall ensure that adequate education programs are available using the total funds appropriated for education programs under Section 56.003 of this code.

SECTION 9. This act takes effect September 1, 1993.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 947 by striking all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to continuing legal education, technical assistance and other support programs for prosecuting attorneys and their personnel, for criminal defense attorneys who regularly represent indigent defendants, and for justices of the peace and their court personnel.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 947 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 947** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1140 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1140, Relating to the pooling of sick leave for county employees.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1140 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1140** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1274 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1274, Relating to the authority of the Parks and Wildlife Department to establish a checkpoint on a public highway to determine whether a person possesses a wildlife resource in violation of the Parks and Wildlife Code.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1274 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1274** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by a viva voce vote.

(Senator Harris of Tarrant in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 112 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 112, Relating to the regulation of outdoor signs in certain areas of certain counties; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 112 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 112** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 851 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 851, Relating to an exception to the open meetings law for certain deliberations of the board of directors of a municipal hospital or a municipal hospital authority.

The bill was read second time.

(President in Chair)

Senator Barrientos offered the following amendment to the bill:

Amend **C.S.S.B. 851** on page 1, line 36 by deleting the proposed paragraph (1) and substituting the following:

(1) pricing or financial planning information relating to a bid or negotiation in which the hospital is offering its services or product lines as a contract service provider to another party if disclosure of the information would give advantage to competitors of the hospital; or

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 851 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 851 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 977 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 977, Relating to financing by the Texas Public Finance Authority of certain facilities and equipment for state agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 977 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 977 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Dallas, Henderson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Public Counsel for the OFFICE OF PUBLIC INSURANCE COUNSEL: Amy Ruth Johnson, Travis County.

To be Members of the BOARD OF DIRECTORS OF THE STATE BAR OF TEXAS (Appointed by the Supreme Court of Texas): The Reverend Robert E. Felder, Bexar County; Ruben E. Hinojosa, Hidalgo County.

To be Members of the TEXAS STATE UNIVERSITY SYSTEM BOARD OF REGENTS: Elizabeth Topper Nash, Hays County; Craig H. Vittitoe, Cameron County; Ray Zapata, Tom Green County.

To be Members of the TEXAS COMMISSION ON FIRE PROTECTION: Elizabeth Jane Atchley, Gray County; David J. Burkhart, Tarrant County; Armando G. Caceres, Nueces County; Lieutenant Roy Lee Chapman, Callahan County; Gerald K. Hood, Tarrant County; Patrick K. Hughes, Sr., Tarrant County; Chief Ronnie Edwin James, Wichita County; Captain Alonzo Lopez, Jr., Kleberg County; Lieutenant Larry Eugene McKee, Travis County; Chief Andrew F. Mehl, El Paso County; Eugene Steven Perdue, Eastland County; Jan Stalder, Johnson County.

To be Members of the TEXAS STRUCTURAL PEST CONTROL BOARD: Charles G. Coyle, Fort Bend County; John M. Gonzalez, Harris County; Pat Graves, Taylor County; Kathleen St. John, Dallas County.

To be Members of the TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD: Mary Jo Hutton, Bexar County; Janie Sieglitz Kobes, Montgomery County; Alvin Eugene Nelson, Jr., Taylor County; Gary W. Schur, Knox County.

To be Members of the TEXAS BOARD OF ARCHITECTURAL EXAMINERS: Dr. Thomas Daniel Carter, Jr., El Paso County; Norcell D. Haywood, Bexar County; Theodore Stuart Maffitt, Jr., Anderson County.

To be a Member of the BOARD OF DIRECTORS OF THE STATE BAR OF TEXAS (Appointed by the Supreme Court of Texas): Alfonso Aleman, Jr., Bexar County.

To be Members of the STATE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS: Linda Yee Chew, El Paso County; Derrell Everett Johnson, Tarrant County; Roxanne L. Pillar, Tarrant County.

To be Members of the TEXAS BOARD OF PROFESSIONAL LAND SURVEYING: Robert Pounds, El Paso County; Char Presnell Rothrock, Harris County.

To be Members of the ON-SITE WASTEWATER TREATMENT ADVISORY COUNCIL: James Neilson Brookes, Potter County; Rick Goldberg, Travis County; Nancy K. Hanson, El Paso County; Dr. B. L. Harris, Brazos County; Chester Vaughn, Dallas County.

To be Members of the TEXAS STATE BOARD OF PLUMBING EXAMINERS: Stanley J. Briers, Harris County; Phillip Allen Lord, Harris County.

To be Members of the RADIATION ADVISORY BOARD: Doris C. Bryan, Travis County; Donald G. Ludlum, Nolan County.

To be Members of the TEXAS REAL ESTATE COMMISSION: Eden Box, Travis County; Weldon E. Traylor, Sr., Harris County.

To be Members of the REAL ESTATE RESEARCH ADVISORY COMMITTEE: Michael M. Beal, Brazos County; Conrad Bering, Jr., Harris County; Dr. Donald S. Longworth, Lubbock County.

To be a Member of the TEXAS SABINE RIVER COMPACT COMMISSION: Danny A. Choate, Orange County.

To be Members of the COMMISSION ON UNIFORM STATE LAWS: Justice David Peeples, Bexar County; Marilyn E. Phelan, Lubbock County.

To be a Member of the TEXAS TECH UNIVERSITY BOARD OF REGENTS: Dr. Bernard A. Harris, Jr., Harris County.

To be Members of the TEXAS SURPLUS PROPERTY AGENCY BOARD: Colonel Mervin E. Perry, Travis County; Stuart Whitlow, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

NOMINATION RETURNED

On motion of Senator Barrientos and by unanimous consent, the Senate agreed to grant the request of Monday, April 5, 1993, to return to the Governor the nomination of Larry M. Correu, to be a Member of the Governing Board of the Texas School for the Deaf.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Sims and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider the following bills today:

H.B. 1216

H.B. 334

CONFERENCE COMMITTEE REPORT ON SENATE BILL 266

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
April 14, 1993

Honorable Bob Bullock
President of the Senate

Honorable Pete Lancy
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 266 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ZAFFIRINI
ELLIS
MONCRIEF
ROSSON
TRUAN

On the part of the Senate

McDONALD
BERLANGA
BOMER
CHISUM
DELISI

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to immunizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.033, Health and Safety Code, is amended to read as follows:

Sec. 12.033. ~~[FEES FOR]~~ DISTRIBUTION AND ADMINISTRATION OF CERTAIN VACCINES AND SERA. (a) Except as otherwise provided by this section, the [The] board by rule shall charge fees for the distribution and administration of vaccines and sera provided under:

- (1) Section 2.09, Education Code;
- (2) Section 42.043, Human Resources Code;
- (3) Chapter 826 (Rabies Control Act of 1981); ~~[and]~~
- (4) Chapter 81 (Communicable Disease Prevention and Control Act); ~~and~~

(5) Section 161.005, Health and Safety Code.

(b) Except as otherwise provided by this section, the [The] board by rule may require a department contractor to charge fees for public health services provided by a contractor participating in a department program under the laws specified by Subsection (a).

(c) Provided the board finds that the monetary savings of this subsection are greater than any costs associated with administering it, the [The] board by rule shall establish a fee schedule for fees under this section. In establishing the fee schedule, the board shall consider a person's financial ability to pay all or part of the fee, including the availability of health insurance coverage. In the event the fee schedule conflicts with any federal law or regulation, the board shall seek a waiver from the applicable federal law or regulation to permit the fee schedule. In the event the waiver is denied, the fee schedule shall not go into effect [shall set the fees in amounts reasonable and necessary to defray the cost to the state of distributing and administering the vaccines and sera].

(d) The commissioner may waive the fee requirement for any type of vaccine or serum if the commissioner determines that:

- (1) a public health emergency exists; and
- (2) the vaccine or serum is needed to meet the emergency.

(e) The department may not deny an immunization to an individual required to be immunized under a law specified by Subsection (a) because of the individual's inability to pay for the immunization. The department shall provide the immunization at a reduced charge or no charge according to the financial ability of the individual or a person with a legal obligation to support the individual to pay for the immunization. The department

shall give priority to those persons least able to pay for immunization.

SECTION 2. Section 161.001, Health and Safety Code, is amended to read as follows:

Sec. 161.001. LIABILITY OF PERSON WHO ORDERS OR ADMINISTERS IMMUNIZATION. (a) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable for an injury caused by the vaccine or immunizing agent if the immunization is required by the board or is otherwise required by law or rule.

(b) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable or responsible for the failure to immunize a child because of the failure or refusal of a parent, managing conservator, or guardian to consent to the vaccination or immunization required under this chapter. Consent to the vaccination or immunization must be given in the manner authorized by Sections 35.011 through 35.015, Family Code.

(c) A person who fails to comply with Section 161.004 is not liable or responsible for that failure, and that failure does not create a cause of action.

(d) This section does not apply to a negligent act in administering the vaccine or immunizing agent.

SECTION 3. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Sections 161.004 through 161.006 to read as follows:

Sec. 161.004. STATEWIDE IMMUNIZATION OF CHILDREN.

(a) Every child in the state shall be immunized against vaccine preventable diseases caused by infectious agents in accordance with the immunization schedule adopted by the board.

(b) Hospitals shall be responsible for:

(1) referring newborns for immunization at the time the newborn screening test is performed;

(2) reviewing the immunization history of every child admitted to the hospital or examined in the hospital's emergency room or outpatient clinic; and

(3) administering needed vaccinations or referring the child for immunization.

(c) Physicians shall be responsible for reviewing the immunization history of every child examined and administering any needed vaccinations or referring the child for immunization.

(d) A child is exempt from an immunization required by this section if:

(1) immunization conflicts with the tenets of an organized religion to which a parent, managing conservator, or guardian belongs; or

(2) the immunization is medically contraindicated based on an examination of the child by a physician licensed by any state in the United States.

(e) For purposes of this section, "child" means a person under 18 years of age.

(f) The board shall adopt rules that are necessary to administer this section.

(g) A parent, managing conservator, or guardian may choose the health care provider who administers the vaccine or immunizing agent under this chapter.

Sec. 161.005. IMMUNIZATIONS REQUIRED. (a) On admission of a child to a facility of the Texas Department of Mental Health and Mental Retardation, the Texas Department of Criminal Justice, or the Texas Youth Commission, the facility physician shall review the immunization history of the child and administer any needed vaccinations or refer the child for immunization.

(b) The department and the board have the same powers and duties under this section as those entities have under Section 2.09, Education Code. In addition, the provisions of that section relating to provisional admissions and exceptions apply to this section.

(c) A facility covered by this section shall keep an individual immunization record during the individual's period of admission, detention, or commitment in the facility, and the records shall be open for inspection at all reasonable times by a representative of the local health department or the department.

(d) This section does not affect the requirements of Section 2.09, Education Code, or Section 42.043, Human Resources Code.

Sec. 161.006. DEPARTMENT IMMUNIZATION SERVICE. The department, to the extent permitted by law, is authorized to pay employees who are exempt or not exempt for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. Sec. 201 et seq.) on a straight-time basis for work on a holiday or for regular compensatory time hours when the taking of regular compensatory time off would be disruptive to normal business operations. Authorization for payment under this section is limited to work directly related to immunizations.

SECTION 4. An agency is not required to carry out the duties relating to this Act except to the extent that funds for those purposes are appropriated to the agency or are otherwise available.

SECTION 5. Subsection (b), Section 42.043, Human Resources Code, is amended to read as follows:

(b) The department shall require that each child at an appropriate age have a test for tuberculosis and be immunized against diphtheria, tetanus, poliomyelitis, mumps, rubella, and rubeola. The immunization must be effective on the date of first entry into the facility. However, a child may be provisionally admitted if the required immunizations have begun and are completed as rapidly as medically feasible.

SECTION 6. (a) Except as provided by Subsection (b) of this section, Subsection (b), Section 42.043, Human Resources Code, as amended by this Act, takes effect September 1, 1993, and the changes made by this Act to that section apply to a child admitted to a child-care facility as defined by Section 42.002, Human Resources Code, on or after that date.

(b) A child-care facility as defined by Section 42.002, Human Resources Code, may not be required to comply with the changes made by this Act to Subsection (b), Section 42.043, Human Resources Code, for a child admitted to the facility before September 1, 1993, earlier than January 1, 1994.

SECTION 7. This Act takes effect September 1, 1993.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was filed with the Secretary of the Senate.

MEMORIAL RESOLUTION

S.R. 628 - By Turner: In memory of Clyde Jackson Porterfield, Sr., of Bryan.

CONGRATULATORY RESOLUTIONS

H.C.R. 99 - (West): Commending Dolores Robinson for her contributions to the entertainment industry.

S.R. 620 - By Rosson: Recognizing Mrs. Rosa Ramirez Guerrero of El Paso for her contributions to the citizens of her city and state.

S.R. 621 - By Rosson: Commending Child Care Licensing, the El Paso division of the Texas Department of Protective and Regulatory Services, for requiring and setting standards for high quality child care.

S.R. 622 - By Whitmire: Commending the students, teachers, and parents of Lantrip Elementary School of Houston and the members of the Eastwood Civic Association for their efforts to promote environmental awareness.

S.R. 623 - By Lucio: Congratulating Helen Foehner, Executive Director for the West Cameron County Chapter of the American Red Cross, for her 50 years of service to her community.

S.R. 624 - By West: Congratulating Mr. and Mrs. Johnny Ashford of Dallas on the occasion of their 50th wedding anniversary.

S.R. 625 - By Turner: Congratulating Mr. and Mrs. Ray Bewley on the occasion of their 50th wedding anniversary.

S.R. 626 - By Turner: Congratulating Jeannine Dohnalik, who was awarded the Outstanding Chamber Member plaque at the 59th annual Cameron Area Chamber of Commerce banquet.

S.R. 627 - By Turner: Congratulating Jon Lowery of Crockett for being named Coach of the Year for District 20-3A.

S.R. 629 - By Turner: Recognizing Sherry Morrison for her 18 years of service as city clerk for Taylor.

S.R. 630 - By Nelson: Congratulating Kittie McKee Nelson of Lewisville on the occasion of her 89th birthday.

S.R. 631 - By Luna: Congratulating Jason Alan Covarrubias of San Antonio on achieving the rank of Eagle Scout.

S.R. 632 - By Ellis: Recognizing Don J. Wang for his contributions to the residents of the Asian community in the Houston area.

S.R. 633 - By Barrientos: Recognizing Image de Austin for its service to the Hispanic community.

S.R. 634 - By West: Commending the South Dallas Business and Professional Women's Club, Incorporated, on the occasion of its 30th annual awards and scholarship luncheon.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:20 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 16, 1993

ECONOMIC DEVELOPMENT — C.S.S.B. 498

NATURAL RESOURCES — C.S.S.B. 812, C.S.S.B. 813, C.S.S.B. 814, C.S.H.B. 564

April 19, 1993

ECONOMIC DEVELOPMENT — C.S.S.B. 1110

STATE AFFAIRS — S.B. 968 (Amended), S.B. 641, S.B. 926, C.S.S.B. 1257, H.B. 536, H.B. 1078, H.B. 176, C.S.H.B. 1084

FINANCE — S.B. 337, S.B. 541, S.B. 1340, C.S.H.B. 155, C.S.S.J.R. 44

FIFTIETH DAY

(Tuesday, April 20, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Nelson, Parker.

A quorum was announced present.